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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/899,919	07/09/2001	Kazuhiro Asada	110064	4531

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EXAMINER

KIM, RICHARD H

ART UNIT PAPER NUMBER

2882

DATE MAILED: 12/17/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/899,919

Applicant(s)

ASADA, KAZUHIRO

Examiner

Richard H Kim

Art Unit

2882

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Herrmann (US 6,174,091 B1) in view of van Woesik (US 5,452,386).

Referring to claim 1, Herrmann discloses an optical connector comprising a housing having a cord receiving hole portion in which an optical fiber cord can be inserted and received along an axis of the optical fiber cord (see Fig. 2); and a stopper including a plate-like portion (see Fig. 2, ref. 11) having a positioning slit having a width slightly smaller than a diameter of the optical fiber cord (see Fig. 3, ref. 9); wherein a mounting hole, through which the plate-like portion of the stopper can be inserted into the cord receiving hole portion (see col. 2, lines 40-43) in a direction perpendicular to a direction of insertion of the optical fiber cord (see Fig. 2), is formed in the housing (see Fig. 1, ref. 9), and wherein when the stopper is inserted into the cord receiving hold portion, each of blade portions, formed by a side edge of the positioning slit and a distal edge of the plate-like portion disposed perpendicular to the side edge, penetrates into a covering portion of the optical fiber in a direction different from a direction toward an axis of the optical fiber cord, while forcing a portion of the covering away (see col. 3, lines 11-21; Fig. 5), thereby positioning the optical fiber cored in a fixed manner in the direction of the axis of the optical fiber cord (see col. 3, lines 21-25, Fig. 2-5). It is the position of the examiner that when

Art Unit: 2882

the blade portion penetrates into a covering portion of the optical fiber, a portion of the covering would inherently be forced away due to a portion of the covering being detached from the rest of the covering of the optical fiber cable. However, the reference does not disclose that the housing has stopper retaining portions engaging a retaining side of the plate-like portion having a cross-section perpendicular to the direction of insertion of the optical fiber cord.

Van Woesik discloses a housing having stopper retaining portions engaging a retaining side of the plate-like portions (see col. 5, lines 67-68, col. 6, lines 1-2) having a cross-section perpendicular to the direction of insertion of the optical cord (see Fig. 7, ref. 33).

It would have been obvious to one having ordinary skill in the art at the time the invention was made for the housing to have stopper retaining portions engaging a retaining side of the plate-like portion having a cross-section perpendicular to the direction of insertion of the optical fiber cord since one would be motivated to improve the stability of the device.

According to van Woesik, such a modification allows the stopper to be held in its home position (see col. 6, line 1).

Referring to claim 2, Herrmann discloses an optical connector in which the stopper comprises a pair of the plate-like portions interconnected by an interconnecting piece portion in parallel relation to each other, so that that stopper has a generally U-shape when view from the side thereof (see Fig. 3); and when the stopper is inserted into the cord receiving hole portion, the pair of plate-like portions position the optical fiber cord in a fixed manner in the direction of the axis of the optical fiber cord (see Fig. 4).

Art Unit: 2882

Referring to claim 3, Herrmann discloses an optical connector wherein each of the opposed side edges of the positioning slit is tapering toward the inside of the positioning slit (see Fig. 3, ref. 11).

Referring to claim 4, Herrmann discloses an optical connector in which the distal end edge of the plate-like portion is tapering in a direction of insertion of the plate-like portion (see Fig. 3, ref. 11).

3. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Herrmann and van Woesik in view of Morgan (US 6,401,585 B1).

Herrmann and van Woesik disclose the device previously recited. However, the reference does not disclose the device wherein reverse blades are formed on and project from each of the opposed side edges of the positioning slit toward the inside of the positioning slit, the reverse blades being directed in a direction generally opposite the direction of insertion of the plate-like portion.

Morgan et al. discloses a device wherein reverse blades are formed on and are directed in a direction generally opposite to the direction of insertion of a plate-like portion (see Fig. 2, ref. 12, 4a, 26).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to have the device where reverse blades are formed on and project from each of the opposed side edges of the positioning slit toward the inside of the positioning slit, the reverse blades being directed in a direction generally opposite the direction of insertion of the plate-like portion since one would be motivated to maximize the ease of operating the device.

Art Unit: 2882

Through such a modification, the blade would cut more thoroughly due to the larger number of individual blades used to cut the optical fiber covering. By having a multiple of individual blades, one insertion stroke of the stopper through the optical fiber would produce multiple blade passes through the cut, thereby producing a more thorough cut. As a result the stopper would be more effective to cut into materials of disparate hardness, as disclosed by Morgan (col. 1, lines 25-29).

### *Response to Arguments*

4. Applicant's arguments with respect to claims 1-5 have been considered but are moot in view of the new ground(s) of rejection.
5. In response to Applicant's argument that the Herrmann reference fails to teach or suggest a stopper retaining portions engaging a retaining side of the plate-like portion having a cross-section perpendicular to the direction of insertion of the optical cord, Examiner recognizes the reference's shortcoming. However, the added limitations necessitated the incorporation of a secondary teaching to van Woesik to meet the above limitations.
6. In response to Applicant's argument that the Herrmann reference lacks a stopper including a pair of plate-like portions interconnected by an interconnecting piece portion, Examiner asserts that such a limitation is clearly shown in Figure 3, reference 10 and 11.
7. In response to Applicant's argument that the Herrman reference does not teach or suggest that the distal end edges of the plate-like portion is tapering in the direction of insertion, Examiner asserts that such a limitation is clearly shown in Figure 3.

Art Unit: 2882

8. In response to applicant's argument that the Morgan reference is nonanalogous art, it has been held that a prior art reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the applicant was concerned, in order to be relied upon as a basis for rejection of the claimed invention. See *In re Oetiker*, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992). In this case, the limitation and the Morgan reference are both related to cutting a material.

### ***Conclusion***

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Richard H Kim whose telephone number is (703)305-4791. The examiner can normally be reached on 8:30-5:00 M-F.

Art Unit: 2882

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert H Kim can be reached on (703)305-3492. The fax phone numbers for the organization where this application or proceeding is assigned are (703)308-7722 for regular communications and (703)308-7724 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)308-0956.

Richard H Kim  
Examiner  
Art Unit 2882

RHK  
December 11, 2002

